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DEPARTMENT FOR AF A A/S CARTER, AF/SPG, AF/C
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TAGS: [ASEC](#) [PGOV](#) [PREL](#) [KPKO](#) [UN](#) [AU](#) [SU](#)

SUBJECT: NEGOTIATING FOR ITS OWN SURVIVAL: HOW THE NCP USES
NEGOTIATION TO MAINTAIN ITS HOLD ON POWER

REF: A. KHARTOUM 185

[B](#). KHARTOUM 166

[C](#). KHARTOUM 150

[D](#). KHARTOUM 50

[E](#). 08 KHARTOUM 338

Classified By: CDA Alberto M. Fernandez, for reasons 1.4 (b) and (d)

[1](#)1. (C) As the new U.S. Administration considers options on how best to engage with the Sudanese regime and considers the possibility of discussing with the regime on our key foreign policy objectives in Sudan, it is important to keep in mind that the National Congress Party (NCP) regime never saw a negotiation it didn't like. A pack of compulsive negotiators, the regime is in a constant state of negotiation with friends and foes alike, and has no qualms about making or breaking agreements if circumstances change, and the regime can subsequently broker a better deal. It is also important to remember that the regime often strikes deals it never intends to implement, purely as a delaying tactic or to pursue other options even while engaged in the process of negotiating. Embassy Khartoum submitted a cable about the regime's tactics in 2008 entitled "The NCP: Sudan's Brutal Pragmatists" (Ref E).

[1](#)2. (C) What is the NCP's rationale for this approach to negotiations? It uses them as a means of holding onto power, to level the playing field against stronger opponents, and to co-opt and disarm opponents. The NCP also uses negotiation to assert that it is the principal partner for any and all deals in Sudan) thus legitimizing itself and extending its time in power as the key player. The reason the NCP needs to rely on negotiations is that it is not powerful enough to enforce its will on all of Sudan's other factions all the time, but is strong enough to hold onto political and economic power at the center. In the end, negotiations are cheaper than fighting. The NCP also negotiates and makes deals that can be implemented over time (or partially ones that are partially implemented, only to be renegotiated,) because this strategy allows the regime to hedge its bets. If circumstances change, the regime can always renegotiate based on the new reality. The NCP's reasons for negotiating with the U.S. are different from its reasons for negotiating with the SPLM in that it actually fears the United States more than any other counterpart and sees "a deal" with the Americans as its ultimate guarantee for regime survival. It also negotiates with the U.S. because it wants to tie us into a process of engagement to avoid additional punitive actions on our part, and because it doesn't trust that we will do what we say, given past broken promises by the Bush Administration. Negotiations on Darfur are a different story

) Darfur has become intractable in many ways, and the regime is negotiating merely to show a modicum of good will to the international community, especially in contrast to the rejectionism of various rebel factions. However, the regime recognizes that it may not be possible to solve Darfur's problems even if it truly wanted to do so.

13. (C) How does the NCP view negotiations on Darfur? The GOS is frustrated by the current negotiating process on Darfur because it doesn't have anyone it can make a deal with. (Abdelwahid al Nur won't negotiate. Another Zaghawa minority-based agreement won't solve the problem, but rather just anger the Arabs and the Fur). The NCP is very frustrated that from their perspective we won't put more pressure on Abdelwahid al Nur and other rebels. The regime believes that, despite its duplicity, it is more ready and more sincere in seeking a way out on Darfur than anyone else. They believe that the different Darfuri movements are more interested in power than in the people of Darfur. They also believe that America could obtain an agreement with the NCP that would tangibly improve the situation in Darfur but the United States Government is a prisoner of an aggressive, activist community (such as "Save Darfur" and ENOUGH) that will not allow it to "make a deal with the devil" in Sudan even if that deal was to lead to improving the lives of the very people the activists are supposed to be fighting for.

14. (C) How does the NCP view the incomplete negotiation of the CPA and DPA? The NCP would argue that it has delivered a lot on CPA, but that the SPLM hasn't been up to the task of being a full partner. They can point to a massive transfer of cash to the SPLM since 2005 (over \$4 billion dollars in oil revenues) as part of the success of the CPA's wealth-sharing

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provisions and to a GOSS which is independent in all but name and to power-sharing within the Government of National Unity and other national institutions in Khartoum. It can also point to a massive SPLA, which absorbs the bulk of South Sudan's budget. It would further maintain that the parts of the agreement that haven't been implemented are too costly politically or economically (e.g. Abyei, border demarcation, land rights issues etc.) In their more honest moments, they would admit that their implementation of the CPA waxes and wanes according to objective factors such as international attention and pressure, their own internal stability and strength and the SPLM's capacity to exact concessions and to follow up on agreements. The NCP believes, and they are right, that especially for the first two years of the CPA (2005-2007), the agreement was largely ignored by the international community in the furor about Darfur. The NCP doesn't take the DPA seriously because Minni Minawi doesn't have much, if any, popular legitimacy in Darfur, and because the NCP sees that Minni Minawi and SLM don't have the capacity to implement the agreement on their side. As for the road ahead, the NCP hopes the international community will be able to "deliver" Abdelwahid al Nur and others to an agreement - anyone who can deliver a deal and serve as their counterpart will be welcomed but why give concessions to Minni which will be needed in the future for someone else? The NCP would willingly accept a deal in Darfur that doesn't strip it of essential power at a national level, and that doesn't disenfranchise Arab tribes that have supported it. This is not based on any remorse or sense of guilt for its many crimes in Darfur but rather on a pragmatic fear that Darfur could sooner or later drag NCP rule in Sudan down with it.

15. (C) How does the NCP view previous promises and engagement by the U.S.? The GOS believes the U.S. reneged on its explicit promises at Naivasha during the negotiation of the Comprehensive Peace Agreement (removal from the State Sponsors of Terrorism List, full diplomatic relations and lifting of economic sanctions.) The GOS believes that the U.S. will constantly raise the bar for what we will require the regime to do in order to achieve these goals, because we

never intended to implement the deal anyway. From their perspective, our goal is to get the regime to do what we want, offer as little as possible, and if this is not possible we will pursue a policy of regime-change. The regime was frustrated by the negotiations with former Special Envoy Williamson because he presented himself as a practical negotiator who had been empowered by the U.S. Administration, but when the Sudanese agreed to all of the short-term procedural demands outlined by SE Williamson, the Special Envoy backed away from a formalized agreement. The Sudanese still talk about their confusion over what caused SE Williamson to back away from such an agreement with some believing that he was ordered not to come to a deal and others thinking that there was never a deal on the table, only an attempt at personal grandstanding. They also recall a notorious earlier incident in 2004 when then S/CT and AF Assistant Secretary of State for Africa personally told VP Ali Osman Taha that "once Sudan signed the CPA" it would be removed from the Terrorism List "within days."

¶16. (C) Despite what they view as our broken promises, the regime is still extremely eager to negotiate with us, and will likely implement most parts of any bilateral agreement as long as it allows the regime to hold onto power. Just the fact of entering into a substantive negotiation with the U.S. legitimizes the regime, and a deal with the U.S. would cement the regime's legitimacy, especially if combined with a probable election victory by the NCP. The appearance of American goodwill is almost as important to the regime as that reality. They seek a deal with the Americans that they can present as a "victory" for the regime which preserves "Sudan's dignity."

¶17. (C) Embassy Khartoum has advocated a policy of engagement leading to a roadmap on U.S.-Sudan relations (Ref C), but cautions that we must be very clear on what our core objectives are in Darfur, and what we expect Darfur and the rest of Sudan to look like when this process is over - i.e. what is the "end game" - so that we will be able to measure progress toward these objectives. We must do this while enhancing our focus on the CPA and South Sudan, which are actually in a much more fragile state than Darfur's miserable stasis (reftels A and D).

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¶18. (C) The initial hurdle is almost upon us as the regime will be watching closely to see what sort of message Washington will be sending in a response to a possible ICC arrest warrant for President Al-Bashir on March 4. Will this be a repackaging of past calls for regime change or will there be enough space and hope in the official American position for a possible regime soft-landing from a tangled skein of crises, mostly of its own making (Darfur, CPA implementation, ICC)? The NCP will certainly be ready to use diplomacy, politics, concessions and (if needed) violence, to prevent the emergence of an international/national consensus that threatens its hold on power. Such a consensus would ally the West with some coalition of Darfuri rebels, Northern oppositionists and the SPLM plus regional players. To avoid such a formidable and potentially fatal lineup, it will do almost anything -- whether that involves making concessions or escalating an already volatile and dangerous situation in Sudan.
FERNANDEZ